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In the Supreme Court of the United States

May Term, 1967

No. [redacted] 225

BRENARD G. RHOADES, FREDERICK E. STEWART, JR., ELIZABETH W. STEWART and A. G. MUTIMER

vs.

SCHOOL DISTRICT OF ABINGTON TOWNSHIP,
Defendant

and

COMMONWEALTH OF PENNSYLVANIA,
Intervenor

and

THOMAS J. PAUL, JANE PAUL, ALVIN E. STRACK, CAROL STRACK, FRANK A. BLUST, MARGARET S. BLUST, H. LAVERNE ROSENBERGER, JOHN D. O'HARA, and REVEREND ROBERT E. NICHOLAS,
Intervenors

On Appeal from the Supreme Court of Pennsylvania

MOTION TO DISMISS OR TO AFFIRM

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THE CHANCELLOR PRESS - *Law Printers, Publishers* - Norristown, Pa.

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Case Caption

IN THE SUPREME COURT OF
THE UNITED STATES

May Term, 1967
No. 1457

BRENARD G. RHOADES, FREDERICK E. STEWART, JR., ELIZABETH W. STEWART and A. G. MUTIMER

vs.

SCHOOL DISTRICT OF ABINGTON TOWNSHIP,
Defendant

and

COMMONWEALTH OF PENNSYLVANIA,
Intervenor

and

THOMAS J. PAUL, JANE PAUL, ALVIN E. STRACK, CAROL STRACK, FRANK A. BLUST, MARGARET S. BLUST, H. LAVERNE ROSENBERGER, JOHN D. O'HARA, and REVEREND ROBERT E. NICHOLAS,
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OPINIONS BELOW

The opinions of the Pennsylvania Supreme Court are reported at 424 Pa. 202 and 226 A. 2d 53.

JURISDICTION

It is recognized that the statutory provisions upon which the appeal herein is based are contained in Title 28, United States Code, Section 1257 (2) and Section 2101.

COUNTERSTATEMENT OF QUESTION PRESENTED

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1. Was the Supreme Court of Pennsylvania correct in holding that the statute (requiring public school districts which provide school bus transportation available to nonpublic school children along established public school bus routes) does not violate the disestablishment clause of the First Amendment to the Constitution of the United States as applied to the states by the Fourteenth Amendment to the said Constitution?

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

Appellants fail to recite any constitutional provisions which they deem to be involved.

The pertinent provisions of the Pennsylvania statute involved are adequately set forth in the Jurisdictional Statement at pp. 3, 4, 5.

MOTION TO DISMISS OR TO AFFIRM

Appellee, pursuant to Rule 16 of the Revised Rules of the Supreme Court of the United States, moves that the appeal in this proceeding be dismissed, or, in the alternative, that the final judgment of the Supreme Court of Pennsylvania be affirmed, on the ground that the question is not substantial.

ARGUMENT

Intervenors Thomas J. Paul, et al., join in the argument contained in the Motion to Dismiss or to Affirm by the Commonwealth of Pennsylvania, filed heretofore in this proceeding.

CONCLUSION

For the reasons stated it is respectfully submitted that the appeal should be dismissed, or, in the alternative, that the judgment of the Supreme Court of Pennsylvania should be affirmed.

Respectfully submitted,

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